**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH**
**AT HYDERABAD**
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY THE FOURTH DAY OF MARCH
TWO THOUSAND AND FOUR
: PRESENT:
THE HON'BLE **SRI DEVINDER GUPTA,** THE CHIEF JUSTICE
**AND**
THE HON'BLE MS. JUSTICE **G.ROHINI**

W.P. No. 1799 of 2004

Between:

Gujja Prabhakar Rao

Petitioner

AND

1. Gagireddy Sampath, S/o Kanakaiah, R/o Bheemadevarapalli, Village and Mandal, Karimnagar District
2. The State of A.P. rep.by Superintendent of Police, Karimnagar

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue an order, direction or writ one in the nature of writ of Habeas Corpus, declaring the action of the 1st respondent in detaining petitioner's daughter and keeping in the custody of the 1st respondent as illegal and constitutional and direct the 1st respondent to produce petitioner minor daughter Gujja Madhavi @ Latha, before this Court and give the custody of Gujja Madhavi @ Latha to petitioner in the interest of justice.

The petition coming on for orders as to admission, upon perusing the petition and the affidavit filed therein and the order of the High Court dated 19-2-2004 made herein and upon hearing the arguments of Mr. Chetluru Srinivas Advocate for the petitioner and of the Govt. pleader for Home for the learned Advocate General on behalf of the respondent No.2 and of Mr. B. Lingaiah Chowdary, Advocate for the respondent No. 1 the Court made the following

ORDER:

**" Petitioner's daughter is present in Court and states that she is not prepared to live with her father i.e. the petitioner. She states that she would stay alone or would stay with 1st respondent. Though the petitioner on the basis of school leaving certificate asserts that his daughter Gujja Madhavi @ Latha is minor as she was born on 16-8-1991, but she asserts her aged to be 19 years.**

**On the complaint given by the petitioner, a case in Cr.No.88 of 2003 was**

**registered against the 1st respondent for the offences under Section 366-A r/w. 34 IPC by the Police, Elkathurthy, Karimnagar District, and the petitioner's daughter was produced before the Judicial First Class Magistrate, Huzurabad. The 1st respondent had surrendered before the JFCM, Huzurabad, on 6-9-2003 and the petitioner's daughter was restored to the custody of the petitioner. But it is stated that she again went to the respondent.**



**In the circumstances, we would like the prosecution to subject Gujja Mdhavi @ Latha to medical examination to ascertain her probable age. List the Writ Petition in the 1st week of April, 2004 i.e. on 2-4-2004."**

SD/-S. VARALAKSHMI
ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. Gagireddy Sampath, S/o Kanakaiah, R/o Bheemadevarapalli, Village and Mandal, Karimnagar District
2. The Superintendent of Police, Karimnagar.
3. Two CCs to G.P. for Home, High Court of A.P., Hyderabad. (OUT)
4. Two CCs to the Advocate General, High Court of A.P., Hyderabad.(OUT)
5. The Station House Officer, Yelakathurthi Police Station, Karimnagar District.
6. One Spare Copy

H.A.

DRAFTED BY : H.A.
COMPARED BY :

**HIGH COURT**

**HCJ**
**&**
**RGJ**

**NOTE : LIST THE WP ON 2-4-2004.**

**DATE: 04-03-2004**

**ORDER**

**W.P. NO. 1799 OF 2004**

**DIRECTION**